THE HONOURABLE SRI JUSTICE N.V.RAMANA

W. P.Nos.11089, 11330 & 23222 of 2006

Dated:01-12-2006

Between:

Singareni Coal Mines Karmikasangh, Godavarikhani, Karimnagar District, rep., by Parre Raja Narender, Secretary.

.....PETITIONER

AND

Chief General Manager (Personal), Singareni Collieries Company Limited, Kothagudem, Khammam District.

....RESPONDENTS

W.P.NO.11330 OF 2006:

Between:
M. Narotham Reddy and others.

.....PETITIONERS

AND

Chief General Manager (Personal), Singareni Collieries Company Limited, Kothagudem, Khammam District.

....RESPONDENTS

W.P.NO.23222 OF 2006:

Between:

K.V.Raghava Reddy and others.

.....PETITIONERS

AND

The Singareni Collieries Company Limtied, Kothagudem, Khammam District.

....RESPONDENTS

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W. P.Nos.11089, 11330 & 23222 of 2006

COMMON ORDER:

Since the facts involved in all the writ petitions are common in nature, they are being disposed of by this common order.

2. Questioning the action of the respondent-Company in not giving opportunity to the monthly Grade-D Fitters for applying to the posts of EP Fitters Grade-3 in Excavation Category-D in open cast mines, vide Circulars dated 24.04.2006 and 06.10.2006, the present writ petitions are filed.

3. The case of the petitioners, who are working as monthly Grade-C and Grade-D Fitters in the respondent-Company, is that the respondent-Company issued Circulars dated 24.04.2006 and 06.10.2006 calling for applications for the posts of EP Fitters Grade-III in Excavation Category-D in Opencast Mines. As per the said Circulars, the services of the Fitters Category IV/V, possessing ITI Qualification as fitters with NCTVT for the posts of EP fitters would be considered, and the Fitters on daily rated Category IV/V are only eligible to apply for the posts of EP Fitters, and it was also mentioned that the other fitters in monthly Grade-D and above are not entitled to apply for the EP Fitter posts. The grievance of the petitioners is that though they are working as monthly Grade-C and Grade-D Fitters in underground mines, and

also possessing the required ITI qualification to hold the posts of EP Fitter in Excavation Category-D in Opencast Mines, the action of the respondent-Company in not considering their cases for the posts of EP Fitters Grade-III in Excavation Category-D in Open Cast Mines, is illegal and arbitrary. Hence, they filed the present writ petitions.

4. The main contention of the learned counsel for the petitioners is that the petitioners have been working in the under ground mines for more than 16 years, and even though the petitioners are getting monthly rated salary, now they want to work in Opencast mining in stead of underground mining, and if the notification is restricted to the daily rated Category IV or V workers, working in underground mining, and if the petitioners are excluded from consideration, they lose the opportunity of working in open cast mining and they continue to work in underground mining only.

5. The respondent-Company filed counter affidavit. Reiterating the said counter averments, the learned Standing Counsel for the respondent-Company submitted that the respondent-Company entered into a Memorandum of Settlement Dated 21.02.2000 with the Trade Unions, wherein it was mentioned at Annexure-II that "the existing practice of inducting in-service ITI Tradesmen, Category IV/V, in Excavation Category D based on selection test shall continue" for selection from among the fitters working in underground mines, and a decision has been taken to confine the selection for Excavation Category D to the Fittters in daily rated category IV and V only and not others who are in monthly grades T & S Grade 'D' and 'C". He further submits that as per the said Memorandum of Settlement, employees in daily rated Category IV

and V working in Mines and Departments are only allowed to appear for selection to the post of EP Fitters in Excavation Category D in Opencast Mines, but not all the Fitters working in Underground mines irrespective of grades. Hence, the petition is liable to be dismissed.

6. Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent-Company.

7. As can be seen from the record and the statement of wage structure produced by the learned Standing Counsel for the respondent-Company, it is clear that the petitioners, who are working as monthly Grade-C and Grade-D Fitters, are drawing scale of Rs.7260-218-11184/- and Rs.6724-202-10360/- respectively. Whereas, the Fitters on daily rated Category IV and V are drawing only Rs.229.50-5.74-332.82 and Rs.239.03-5.98-346.67. It is also clear that the post of Fitters Category IV/V is junior to monthly Grade-D Fitters and if the Fitters in Category IV/V were selected as E.P. Fitters they will be placed in Group III in Excavation Category-D, which is similar to the post of petitioners. Except saying that they want to work in the open cast area, no other reason was put forth by the petitioners for consideration of their case to the posts of EP Fitters Grade-3 in Excavation Category-D in open cast mines. On the other hand, the respondent-Company, based on the representations made by the Unions, and to provide benefit of monthly rated scales and to give an opportunity to the daily rated workers working in under ground mines, offered to consider their cases for appointment to the post of E.P. Fitters Grade-III in Excavation Category-D in open cast mines, and such action cannot be said to be illegal or arbitrary. The respondent-Company must be given an opportunity

to look after the grievance of the employees, who are working on daily rated wages, and when the respondent-Company is providing the benefit of giving monthly rated work to the categories, who are working in under ground mines on daily rated basis, the same cannot be denied. That apart, the issue as to whether the petitioners will be given an opportunity to apply to the posts of EP Fitters Grade-3 in Excavation Category-D in open caste mines or not is purely an administrative matter, which has to be decided by the respondent-Company, which is having technical skills, based on the labour problems and the working conditions therein, and this Court has no expertise or knowledge to decide the same. More over, by giving a chance to the daily rated workers for applying to the posts of EP Fitters Grade-III in Excavation Category-D in open cast mines; the petitioners will not lose anything.

For the aforesaid reasons, the writ petitions are devoid of merit and the same are accordingly dismissed. No costs.

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N.V.RAMANA, J

Date:01-12-2006.

sj/nsr